

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
:

UNITED STATES OF AMERICA

- v. -

ANTONIO REYES,  
a/k/a "Tone,"

Defendant.

----- x

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/10/2022
--

: CONSENT PRELIMINARY ORDER  
OF FORFEITURE/  
: MONEY JUDGMENT  
: S2 20 Cr. 127 (GHW)

WHEREAS, on or about January 7, 2022, ANTONIO REYES, a/k/a "Tone" (the "Defendant"), was charged in a Superseding Information, S2 20 Cr. 127 (GHW) (the "Information"), with use of a communication facility in committing a drug felony, in violation of Title 21, United States Code, Section 843(b) (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting or derived from any proceeds the Defendant obtained, directly or indirectly, as a result of the violation charged in Count One of the Information, and any and all property used, or intended to be used in any manner or part to commit, or to facilitate the commission of the violation alleged in Count One of the Information, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense charged in Count One of the Information;

WHEREAS, on or about January 7, 2022, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Section 853, a sum of money equal

to \$7,720 in United States currency, representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$2,810 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

WHEREAS, the Government has identified the following specific asset in which the Defendant has an ownership interest:

- a. \$2,701 in United States currency seized from the Defendant on or about February 17, 2020 at the time of his arrest

(the “Substitute Asset”); and

WHEREAS, the Defendant consents to the forfeiture of all of his right, title and interest in the Substitute Asset; and

WHEREAS, pursuant to Title 21, United States Code, Sections 853(g) and (p), and Rules 32.2(b)(3), (b)(6) and 32.2(e) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Substitute Asset to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Ni Qian of counsel, and the Defendant, and his counsel, Daniel Steven Parker, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$7,720 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, ANTONIO REYES, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: Ni Qian  
Ni Qian  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2374

1/7/2022  
DATE

ANTONIO REYES

By: Antonio Reyes  
Antonio Reyes

1/7/2022  
DATE

By: Daniel Steven Parker, Esq.  
Daniel Steven Parker, Esq.  
Attorney for Defendant  
30 East 33<sup>rd</sup> Street, 6<sup>th</sup> Floor  
New York, NY 10016

1/7/2022  
DATE

SO ORDERED:

G. H. Woods  
HONORABLE GREGORY H. WOODS  
UNITED STATES DISTRICT JUDGE

January 10, 2022  
DATE